

### REMARKS/ARGUMENTS

Reconsideration of this application is requested. Claims 18-28 will be active in the application subsequent to entry of this Amendment. The claims have been amended in order to more particularly point out and distinctly claim that which applicants regard as their invention, to address the issues raised by the examiner as to claim clarity on pages 2-3 of the Official Action and to advance examination generally.

In the new set of claims, the following amendments have been made:

- claims 1 to 9 and 17 have been cancelled;
- claim 10 was merged with claim 3 and was renumbered as claim 18;
- the content of new claims 19-28 correspond to the previous depending claims, namely to claims 4, 5, 6, 7, 12, 11, 13, 14, 15 and 16 respectively.

Support for new claim 18 can be found in the description of the PCT application as filed, namely, page 2, lines 11-18.

The new set of claims was limited to include, as an essential feature, the steps of preparing two phases, one solid phase and one liquid phase, and mixing these two phases to form a paste before extruding and further processing the paste.

Preparing a solid phase of blended coloring powders and mixing the blend into the fatty emulsion phase provides a very good quality to the paste to be extruded.

The extrusion step is another essential feature of the present invention and it allows one to obtain cosmetics in a solid form, which do not need to be pressed in a container.

It is respectfully submitted that the claims as above presented are clear, precise, and compliant with 35 USC §112, second paragraph and they are based upon the subject matter disclosed in the originally filed application. Favorable consideration is requested.

Cancellation of claim 17 resolves the rejection under 35 USC §101 leaving for consideration the rejection of alleged anticipation (to the extent that it may apply, if at all) to the new claims presented above, based upon U.S. patent 4,994,264 to Verdon et al.

Verdon et al disclose the preparation of a paste by adding all the components in sequence. Also, a crucial component of the paste is a gum, especially xanthan gum, which is not an component present the process of the claimed invention.

ANCOROTTI, R.  
Appl. No. 10/500,332  
November 14, 2006

Moreover, the paste disclosed in Verdon et al is always pressed after extrusion while the paste of the present invention is never pressed, as there is no need to do that: the product obtained after the extrusion is a solid which only needs to be dried, after sizing, if desired. This is a different way of processing cosmetic mixtures and results in different products.

Accordingly, Verdon et al neither disclose nor suggest the process of the present invention.

For the above reasons it is respectfully submitted that the claims of this application define inventive subject matter. Reconsideration and allowance are solicited.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: \_\_\_\_\_



Arthur R. Crawford  
Reg. No. 25,327

ARC:eaw  
901 North Glebe Road, 11th Floor  
Arlington, VA 22203-1808  
Telephone: (703) 816-4000  
Facsimile: (703) 816-4100